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Date of decision: 12.2.1996

FOR APPROVAL AND SIGNATURE

THE HON'BLE MR. JUSTICE N N MATHUR

1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporter or not?
3. Whether their Lordships wish to see the fair copy of judgment?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 or any order made thereunder ?
5. Whether it is to be circulated to the Civil J....

Mr Navin K Pahwa for Mr P M Thakkar, Advocate for the petitioner

Mr B Y Mankad, AGP for the State

CORAM ; N N MATHUR, J.  
(February 12, 1996)

ORAL JUDGMENT

By way of this Special Civil Application, the petitioner has challenged the order dated 20.6.1986 passed by the Registrar of Cooperative Societies rejecting the Revision oApplication filed against the order dated 31.3.1983 passed by the Asstt. District Registrar, C.S. Jamnagar whereby he had directed amalgamation of Shri Dudhala Seva Sahakari Mandali Ltd. with Laloi Seva Sahakari Mandali Ltd.

2. The Registrar, Cooperative Societies, in his order dated 20.6.1996, has found that the order of the Asstt.District Registrar suffers from the defect of not being a properly reasoned order. Though the order of amalgamation was passed on 31.3.1983, the Revision was filed against the said order in the year 1986. However, the learned Advocate for the petitioner has invited my attention to the statement made in para 2 of the petition to the effect that no agreement has taken place during the said period. The order of amalgamation has also been stayed by the interim order of this Court. Therefore, the fact remains that the order of amalgamation which was made in the year 1983 i.e. about 13 years back has not yet come into effect.

3. Thus, considering the fact that the order of the Asstt.District Registrar is a non-speaking order and the said order has not been given effect for about 13 years, it would be just and proper if the matter is remitted to the Asstt. Registrar for passing a fresh order. Accordingly the order dated 20.6.1986 passed by the Registrar, Cooperative societies and the order dated 31.3.1983 passed by the Asstt. District Registrar are quashed and set aside. It would be open for the Asstt.District Registrar to pass a fresh order after hearing the concerned parties.

Rule made absolute to the aforesaid extent.

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